

### **REMARKS/ARGUMENTS**

Claims 13 and 27 have been amended. No new matter has been added. Claims 13-40 remain in the application.

#### **Claim rejections under 35 U.S.C. 103(a)**

*Claims 13-16, 18-19, 21-30, 31-33 and 35-40 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,337,149 issued to Kozah et al (Kozah), in view of U.S. Patent No. 6,509,906 issued to Awe et al (awe hereafter). Claims 17, 20, 31 and 34 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,337,149 issued to Kozah et al (Kozah), in view of U.S. Patent No. 6,509,906 issued to Awe et al (Awe hereafter), further in view of U.S. Patent No. 5,091,869 issued to Ingram et al (Ingram).*

Applicant respectfully traverses in part and amends in part. None of the cited references taken individually or combined teach that which is claimed by applicant's invention.

Applicant has amended independent claims 13 and 27 to more definitively recite that Applicant's claimed objects define an environment in which an **in-building communications network or campus communications network is to be deployed**. None of the cited references define such an environment.

Applicant has amended independent claims 13 and 27 to clarify that the computer provides the notification of sufficiency.

Applicant recites:

***verifying (means for verifying) using a computer, the sufficiency of said one or more objects to ensure a useful definition of said environment and notifying, using the computer, a user of results of said verification of sufficiency.***

Kozah, teaches away from computer verification. In Kozah the user checks the validity of points measured. In column 8, lines 45-46 Kozah specifically describes that

the CAD software displays the point on the screen (30) and the user checks the validity. Also, col. 8, lines 53-55 of Kozah describe that after the CAD element is created, the CAD software displays the model of the element and the user check the element's validity. Kozah fails to teach notifying the user of verification results using the computer. The Examiner refers to FIG. 9 of Kozah but this figure merely shows a perspective top view of a room. The Examiner also cited col. 8, lines 34-55 but this passage of Kozah teaches that a user selects an element from the menu of elements in the CAD program and the computer prompts the user to measure a first point. The user takes a measurement, the CAD software receives the coordinates of the measured point and converts the coordinates to a global coordinate system. The CAD software displays the point on the screen and the user checks its validity. The CAD software then prompts the user for another point. The user repeats the step of measuring a point for points (90, 92, and 94) and thereby creates a model. The user may interact with the CAD software to edit the element or display the element in a different viewing mode. After the element is created, the CAD software displays the model of the element, and the user checks the element's validity. Accordingly, there is no teaching or suggestion of verification or notification using the computer in Kozah.

Independent claims 13 and 27 also recite:

“using a computer (computer implemented means) for creating, formatting, and editing one or more objects based on pre-existing data stored within the computer, the one or more objects defining an environment in which an in-building communications network or campus communications network is to be deployed, said environment having at least one of floors, walls, partitions, buildings, building complexes or compounds, terrain, foliage, or other sites or obstructions.”

On page 4 of the Office Action dated April 7, 2008, the Examiner appears to equate Applicant's step a) *using a computer for creating, formatting, and editing one or more objects based on pre-existing data stored within the computer* to Kozah's col. 8, lines 34-55 window element stored in a CAD program on the computer. Applicant respectfully asserts that this is a mischaracterization of the cited passage. Kozah's "window element" is simply an element that can be selected from a computer menu (see claim 1, step b). The menu element has no pre-existing data associated with it until the user "repeats the

step of measuring "point for point" and thereby creates a model of the selected element in the CAD program.

Additionally, in Kozah the user takes actual measurements at a measuring location, for example location (70) or location( 96) in FIG. 8 (col. 8, lines 56-58). Kozah teaches creating a computer model of a large three dimensional object as data is acquired (Abstract). In order to acquire this data, Kozah uses a measuring device, a computer that includes a CAD program, a data transmission device, and a viewing screen. Kozah's invention will not work without the measuring device and data transmission device. Neither of these devices is used by Applicant's invention. All of Kozah's embodiments involve the measuring device. For example, col. 11, lines 3-6 of Kozah describes a feature that allows the user to continually measure points on the element being measured, and also in col. 11, lines 16-20 Kozah describes a feature that allows the capability of the user to display only those points and elements which are measured from a given measuring device location.

Kozah does not teach step b) grouping a number of said one or more objects into a least one editable layer. The Examiner refers to the Awe reference FIG. 8, (806); col. 7, lines 16-20; col. 4, lines 45-61 as groups of the display representation. However, Applicant has reviewed each of these passages and finds that not one of them teaches or suggests that the layer is an editable layer, as claimed by Applicant's invention.

Accordingly, neither reference taken individually or combined teaches that which is claims by Applicant's claims 13 and 27, as amended.

Accordingly, applicant respectfully request reconsideration of claims 13 and 27, as amended. The remaining claims provide further limitations to what are believed to be allowable claims and as such are also in condition for allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing

the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge Deposit Account 502117, Motorola, Inc, with any fees which may be required in the prosecution of this application.

Respectfully submitted,

April 24, 2008

Motorola, Inc.  
1303 East Algonquin Road  
IL01 – 3<sup>rd</sup> Floor  
Schaumburg, Illinois 60196  
Customer Number: 24273

By: /Barbara R. Doutre/  
Barbara R. Doutre  
Attorney of Record  
Reg. No.: 39,505  
Tel.: 954-723-6449  
Fax: 847-576-3750  
E-Mail: [docketing.schaumburg@motorola.com](mailto:docketing.schaumburg@motorola.com)